

UNAPPROVED

REGULAR CITY COUNCIL MEETING SEPTEMBER 30, 2004

PRESENT:	Lou Ann Christensen	Mayor
	Jon Adams	Councilmember
	Holly Bell	Councilmember
	Alden Farr	Councilmember
	Clifford Green	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Dennis Sheffield	Director of Finance
	Don Tingey	City Administrator
	Bruce Leonard	Director of Public Works
	Mary Kate Christensen	City Recorder
	Ben Boyce	Director of Parks and Recreation
	Paul Tittensor	Chief of Police
	Alan Wright	Director of Public Power
	Jim Buchanan	Director of Emergency Services
	Bryce Haderlie	Superintendent of Community Development

Mayor Christensen called the meeting to order. The scouts in the audience led the Pledge of Allegiance. The Reverence Period was given by Councilmember Bell. A motion to approve the minutes of September 2, 2004 Work Session and Council Meeting was made by Councilmember Bell. The motion was seconded and carried. Mayor Christensen presented the agenda as follows:

PUBLIC COMMENT CONSENT

- Appointment to Neighborhood Pride Council
- Appointment to CERT Council
- Appointment to Citizen Corps Council
- Request to Authorize Use of Community Center on Veteran's Day
- Proclamation Declaring October 2004 as National Breast Cancer Awareness Month and October 15, 2004 as National Mammography Day
- New Hire, Waste Treatment Department
- New Hire, Street Department and Request to Authorize Employee to Live Outside City Limits
- Appointment to Public Utility Advisory Board
- CDBG 2005-2010 Consolidated Plan
- New Hire, Library
- Request to Transfer Funds from Uncompleted Capital Projects to Property Fund
- Request to Include Grant Money for History Displays at the Museum-Gallery from the State Office of Museum Services
- Request for Approval of Youth Commission Taking Action for Generations Team Bylaws
- Appointment of New Ambulance Chief and Assistant Chief

PUBLIC HEARINGS

- Amendment to Canyon Gate Subdivision, Phase 3, Lots 4 and 5 to Combine Into One Lot
- Amendment to Parker Ranchettes, Phase 3 to Remove All Reference to the Temporary Turn-Around
- Adoption of Updated Capital Facilities Plans for Electrical, Sewer, Storm Sewer and Water Utilities, and for Parks and Open Space
- Impact Fee Enactment for Electrical, Sewer, Storm Sewer and Water Utilities, and for Parks and Open Space

SCHEDULED DELEGATION

- Habitat for Humanity Dinner and Auction

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Proclamation Declaring October Down Syndrome Awareness Month
NEW BUSINESS
Resolution Amending Community Development Fees
Request for Approval of Revised Employee Policies and Procedures Manual
OTHER BUSINESS
CLAIMS
Warrant Register

Councilmember Adams made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Councilmember Bell - Councilmember Bell stated that it has been brought to her attention that there are citizens that are using the public transit system that are concerned that there are no bus stations at the bus stops. They asked if Brigham City could look into assisting UTA to get some benches at the more frequented bus stops. Mayor Christensen suggested Councilmember Bell talk to Mr. Boyce about this.

CONSENT

Appointment to Neighborhood Pride Council

It was recommended Mr. Reed Burke be appointed to the Neighborhood Pride Council.

Appointment to CERT Council

It was recommended Wes Barlow, Bill Holt, Ken Peterson, Diana Chadwick, Jill Crowther, and Blaine Packer serve on the Community Emergency Response Team Council. It was also recommended Mayor Christensen, Chief Tittensor, Chief Packer, Chief Green and Jim Buchanan serve as ex-officio members on the same Board.

Appointment to Citizen Corps Council

It was recommended the following appointment be made to the Citizen Corps Council: Councilmember Adams, Ross Bowman, Bill Holt, Jim Baty. It was also recommended Mayor Christensen, Chief Tittensor, Chief Packer, Chief Green, Jim Buchanan, Bryce Haderlie and Sharon Olsen serve as ex-officio members on the same Board.

Request to Authorize Use of Community Center on Veteran's Day

It was requested that the Council authorize use of the Community Center on Veteran's Day, November 11, for a fund raiser dinner to kick off fund raising efforts to restore the veteran's statue in front of the County Courthouse.

Proclamation Declaring October 2004 as National Breast Cancer Awareness Month and October 15, 2004 as National Mammography Day

It was recommended the Council authorize Mayor Christensen to sign a proclamation declaring October 2004 National Breast Cancer Awareness Month and October 15, 2004 as National Mammography Day.

New Hire, Waste Treatment Department

Richard A. Mickelsen was recommended for hire as the Laboratory Director, Grade 50, effective October 12, 2004.

New Hire, Street Department

Darin McFarland was recommended for hire as the Street Department Superintendent, Grade E54, effective October 12, 2004.

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Appointment to Public Utility Advisory Board

It was recommended the Council approve the appointment of Mr. John Gunderson to serve on the Public Utility Advisory Board.

CDBG 2005-2010 Consolidated Plan

The Consolidated Plan was presented for approval.

New Hire, Library

It was recommended Roxanne D. Nay be hired as a Library Clerk I, Grade 15, effective October 4, 2004.

Request to Transfer Funds from Uncompleted Capital Projects to Property Fund

As part of the Council's approval of changes to the June 30, 2004 budget, several uncompleted projects were approved to be transferred to the Capital Project, General Improvement Fund. The transfers were not made on June 30, 2004. It was requested the Council approve the transfers in the 2004-05 budget so the projects can be completed.

Request to Include Grant Money for History Displays at the Museum-Gallery from the State Office of Museum Services

The Museum Gallery was awarded a \$4,000 grant for history displays from the State Office of Museum Services. It was requested that the Council include this grant as revenue in the 2004-05 budget.

Request for Approval of Youth Commission Taking Action for Generations Team Bylaws

Bylaws for the Youth Commission TAG Team were presented for approval.

Appointment of New Ambulance Chief and Assistant Chief

Due to the resignation of the Ambulance Chief, Heath Green was recommended for appointment as the new Ambulance Chief and Kelly Nelson as the Assistant Ambulance Chief.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Farr and unanimously carried.

SCHEDULED DELEGATION

Habitat for Humanity Dinner and Auction

Ms. Ann Scott came forward and invited the Council and audience to the Habitat for Humanity auction and dinner on October 5, 2004 at the Community Center. The silent auction begins at 6:00 and a Dutch Oven dinner at 6:30, with a live auction at 7:00. The auction will include services. Mayor Christensen has offered an hour of her time for the auction. Ms. Scott asked the Council to participate as well by donating an hour of service.

Proclamation Declaring October Down Syndrome Awareness Month

Ms. Wendy Lowry approached the Council and announced that October is National Down Syndrome Awareness Month. The Box Elder County Chapter is observing this along with the rest of the nation. There are approximately 25 families in the County who have a child with Down Syndrome. Mayor Christensen read the proclamation.

MOTION: Councilmember Adams made a motion to authorize the Mayor to sign the proclamation declaring October National Down Syndrome Awareness Month. Seconded by Councilmember Bell and unanimously carried.

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PUBLIC HEARINGS

Amendment to Canyon Gate Subdivision, Phase 3, Lots 4 and 5 to Combine Into One Lot

Mr. Haderlie came forward and explained that the applicant has requested that Lots 4 and 5 be made into one lot.

Councilmember Marabella made a motion to open the public hearing, seconded and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Marabella, seconded and carried.

MOTION: Councilmember Marabella made a motion to approve the amendment to the Canyon Gate Subdivision to combine lots 4 and 5 into one lot. The motion was seconded by Councilmember Bell and unanimously carried.

Amendment to Parker Ranchettes, Phase 3 to Remove All Reference to the Temporary Turn-Around

Mr. Haderlie explained that 950 West in the Parker Ranchettes Phase 3 Subdivision runs to the south and terminates at an adjoining property line. This turn-around was established to help vehicles turn around. The applicant made a request to see if the turn-around was really needed. As staff started looking into the ordinance and the Fire Code, there are provisions that this turn-around was not really required at the time the subdivision was made. However, City staff has had a policy over a considerable length of time that if a subdivision street extends deeper than one lot, a turn-around was requested. Mr. Haderlie had several staff members participate in this request, and it was determined that because of the Fire Code provisions and the lack of requirement in the subdivision, the request was an acceptable request. Mr. Haderlie stated that Mr. Leishman expressed his concern regarding safety in a memo.

Mr. Haderlie stated that if this is approved, the City will request that the applicants bring their garbage cans to 950 West so they could be accessed by the garbage trucks.

A motion to open the public hearing was made by Councilmember Marabella, seconded and carried.

Wynn Parker - Mr. Parker said he made this request originally because there is only one lot this turn-around would serve. If they had to put the turn-around in they couldn't sell the lot. He did not know why they had to go to the expense of putting the turn-around in if they cannot sell the lot. He could understand it if there were multiple lots on a dead end street.

There were no further comments from the public. Councilmember Marabella made a motion to close the public hearing, seconded and carried.

MOTION: Councilmember Marabella made a motion to approve the Parker Ranchettes Phase 3 to remove all references to a temporary turn-around. Councilmember Adams seconded the motion, carried.

Adoption of Updated Capital Facilities Plans for Electrical, Sewer, Storm Sewer and Water Utilities, and for Parks and Open Space

Mr. Bret Jones from Jones and Associates came forward and gave a presentation on the capital facilities plans their firm prepared for Brigham City.

Mr. Jones said they identified six projects in the sanitary sewer system. The estimated cost for improvements for new development is \$658,872.50.

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They identified 22 future capital projects for the culinary water system. To upgrade existing infrastructure they estimated it would cost \$6,711,500. Improvements for new development would be approximately \$6,261,000.

There are 76 future storm drain system projects. Improvements for new development would be approximately \$3,404,300.

Ms. Ross explained that the cost identified in parks and open space are attributed only to new development and the capital infrastructure required to support the new development. The estimated cost for new parks and open space is \$4,826,471.

Mr. John Nelson said it has been 22 years since the last major improvement to the City's electric system. Over the past 20 years the City has had a relatively level amount of improvements to the system, and the system has operated very well. Over the next five to ten years, there should be \$1.5 million of investments. In the years 10-15, probably another \$2 million. After 15 years, there will probably need to be a substantial increase in the range of maybe \$5 million of improvements to keep the system going as well as it is.

Mr. Nelson continued that the 46 kV circuit breakers need to be replaced as soon as possible. The control systems have caused a lot of problems lately. The second item to be replaced is the 138 kV oil circuit breaker. These have caused catastrophic failures across the country. The East Substation controls are getting old and antiquated and should be replaced. In addition the East Substation relaying devices require a lot of maintenance are becoming obsolete and should be replaced. At the northwest, southwest and west substations, the relay devices are becoming problematic, and should be replaced within the next five years.

Mr. Nelson said the average investment is \$115,000 over the next five years.

A motion to open the public hearing was made by Councilmember Bell, seconded by Councilmember Farr and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Adams, seconded by Councilmember Bell and carried.

MOTION: Councilmember Adams made a motion to table this issue and moved to present it to the Public Utilities Advisory Board (PUAB) and Recreation Commission. The motion was seconded by Councilmember Green and unanimously carried.

Impact Fee Enactment for Electrical, Sewer, Storm Sewer and Water Utilities, and for Parks and Open Space

Mr. Leonard explained that these are the fees associated with the Capital Facilities Plans. Wikstrom Economic & Planning Consultants has gone through the cost analysis. Ms. Ross will present is the gross amount allowed by law which the City can charge.

Mr. Leonard said the City could also look at three more areas for capital facilities plans: law enforcement, public safety and roads. When staff looked at the information, it was decided to just go with the areas the City is currently charging impact fees for. However, there are a lot of communities that are charging impact fees for these services.

Ms. Ross explained that impact fees are one time charges allocated to new development to ensure that new development pays its own way for the capital infrastructure that will support that new development. There must be a rational relationship between the fee charged and the benefit received.

The current level of service for parks and open space is 64 acres for 18,742 residents, or 3.43 acres per 1,000 population. The current level of service for open space is 2.20 acres per 1,000 residents. For new

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development to acquire new property and have that property developed, equates to \$537 per capital. Brigham City currently has a swimming pool and golf course that is adequate to serve the projected population. They examined the present book value of these assets and determined a proportionate share for new development. The gross fee calculation for the parks and open space impact fee for a single-family residential unit is \$2,530, and \$2,098 for a multi-family residential. There are some bonds outstanding and past property taxes which will result in a credit. When the gross fee is netted, it comes to \$2,100. The current impact fee is \$1,763.

There were three major components in culinary water identified in the Capital Facilities Plan: rights and sources, storage and treatment, as well as distribution. The gross impact fee calculation for culinary water equates to \$2,276 per residential unit. Based on the current net outstanding, the net fee would be \$1,922. Currently, Brigham City's water impact fee is \$1,521.

Ms. Ross continued that there is excess capacity at the waste treatment facility to support new development. There are oversized sewer relief lines and the treatment plant currently has excess capacity to serve new development, as well as the outfall lines and lift stations. However, there is new construction required in terms of additional relief lines. They identified the buy-in components for each of these, as well as the new development component. The gross impact fee would be \$853. There is currently a waste water bond outstanding, so there would be a credit that would vary annually until the bond is paid off. This would decrease the fee to a net fee of \$497. This bond will be paid off in 2005, so that credit amount would decrease appreciatively in 2006.

In the electric utility, the buy-in to the existing facilities was identified in terms of an excess capacity of 50,000 KW. New construction was identified in the Capital Facilities Plan of 70,000 KW required to serve anticipated development. They figured the gross fee per KW at \$46.69. For a home with 100 amps, the impact fee would be \$98, and a 200 amp home would be \$195.

Ms. Ross said in the storm drain utility, there is some degree of excess capacity in the drainage areas. There is new construction required for storm drain improvements, detention basins and drainage outfall lines to serve new development. The gross impact fee equates to approximately \$1,200 for a residential unit. The same amount is for the commercial and development use based on 3,000 square feet of impervious surface. The current impact fee is \$177. She explained that this was a rough estimate prepared seven years.

Councilmember Marabella said the impact fees were compared to other communities similar to the population of Brigham City. He said Brigham City is not growing very fast, and he felt the real comparison should be whether someone wants to build in Perry, Tremonton or Brigham City. If a builder wants to come to this area, and there are no impact fees in Perry, for example, Woods Cross is not a good cross reference. Ms. Ross said there is a more comprehensive list in the original report.

Councilmember Marabella said if he looks at it from a builder's perspective, is the City putting themselves in a situation to encourage people to build here, or discourage people? If the current impact fees are added together it would be approximately \$4,439. If the new impact fees are implemented, that could increase to \$5,800. That would be an increase of \$1,400. Mr. Leonard replied that it is always difficult to ask people to pay more money. The impact fee gross amount is based on the needs shown in the Capital Facilities Plan. If there is going to be development, the City has to be able to serve them and be able to take care of the storm water that comes off. If it is not done through the impact fees, the City will have to go back to the residents and increase their monthly utility bill. Mr. Leonard suggested this go to the PUAB and Recreation Commission to review and make a recommendation. Mayor Christensen said when the Council voted on impact fees seven years ago, there were several different levels to choose from. She felt this would be helpful.

Mr. Haderlie stated that residential developers have accepted impact fees as something that has to happen. He has received all different kinds of reactions from commercial developers. For example, the LDS Church builds churches up and down the Wasatch Front, and they were not surprised at all. Wal-Mart was assessed storm drain impact fees and there was no substantial reaction from them. The builders that are surprised are the "mom and pop" organizations that are trying to get started, and they cannot understand impact fees. He tries to explain the fees to them and they seem to be okay with it after that.

Mr. Leonard added that the detention basins the City has built lately have been very valuable during some of the recent storms. He has had people call him and thank the City for building the detention basin on Highland because their home would have been flooded without it. There is a real need in the City, it is just a matter of when the City can build them.

A motion to open the public hearing was made by Councilmember Adams, seconded and carried.

Wynn Parker - Mr. Parker said they are not a very big developer, but he knows the fees over the last 10-15 years have gone up substantially. In years past, the City ran the power in for free because it would bring in more revenue. Today the fee to have power run to a subdivision is substantial, and now the City is considering an impact on top of that. The City is driving the cost quite a bit. If it is less expensive to build in Bear River City or Tremonton, the City might be limiting the growth, or at least how fast it grows, by the size of impact fees charged. He asked how much the current residents benefit from the growth of the City? It brings more businesses in, and the residents benefit from businesses coming in. How many more businesses are going to come and how much growth within the City itself benefits the City? Do the newcomers have to pay for that increased service that everyone benefits from? Mr. Parker did not think the City needs to ask the current residents to subsidize the new growth, but the current residents should not object to helping to pay for the benefits they are going to receive because of the new growth.

Dennis Sheffield - Mr. Sheffield said the City wants to increase growth in the City, but as a resident he felt the City should skew that growth to have those people coming in pay for the new facilities that would be required for them to come in. He has been to a lot of Council meetings and the Council talks about services and having the people participating in those services pay for those services. He agreed that the benefit coming to an existing business for the new growth coming in should be offset a little. He felt this has been done by the calculation through the credits applied. He felt this issue should be turned over to the advisory boards and come up with a happy medium between growth and fairness to the residents.

Councilmember Farr asked if there are any construction people or developers on the advisory boards. The Mayor suggested the boards invite people to come in and speak, and the boards make the decision. Councilmember Marabella suggested Jeff Packer and Ed Tugaw come in and speak to the boards.

There were no further comments from the public. A motion to close the public hearing was made by Councilmember Green, seconded and carried.

MOTION: Councilmember Green made a motion to refer the impact fees to the PUAB and Recreation Commission, and encourage them to invite developers to speak at their meetings, and allow staff to inform them regarding impact fees, so they can get the input they need to make a recommendation. Councilmember Adams seconded the motion. In a motion following the second, Councilmember Marabella stated that a good comment was made by Mr. Parker. It is interesting that the City wants business to come in, and pay impact fees, but he wondered if there is a calculation somewhere that really gives the City a true benefit of sales tax revenue coming back to the community. He wondered if there should be two different levels, one for residential and one for businesses. If a restaurant wants to come to Brigham City, and it is very favorable because of low impact fees, but in turn they are going

to bring in steady sales tax revenue, which is going to offset the cost to operate the City, and offset the long-term possibility of raising taxes. The long-term significance of that is substantial, and hard to measure. Mayor Christensen suggested the Economic Development Board be part of this discussion, especially those that deal with new business requirement. She added that the City has had impact fees for seven years, both in commercial and residential. This is just looking at restructuring the fees. It is not implementing anything new. The Mayor called for a vote on the motion. The voting was unanimous.

NEW BUSINESS

Resolution Amending Community Development Fees

Mr. Haderlie explained that there has been changes in the building codes over the last few years, and during this transition, they dropped all the fee schedules because it went from a western states organization to an international. During that time period, the City froze the fees. This resolution increases building permit fees. In addition, they looked at land use fees. Some of the city's developments were not being engineered and designed properly, so the City was subsidizing their lack of homework with the City's engineer to get them right. This was draining the Community Development's professional line item fund. This resolution will require a \$500 deposit for the City to draw from if the developer does not pay the City.

MOTION: Councilmember Marabella made a motion to approve the resolution amending the Community Development fees. The motion was seconded by Councilmember Farr and unanimously carried.

Request for Approval of Revised Employee Policies and Procedures Manual

Mr. Tingey and Sharon Brailsford, Mayor's Secretary, came to the table. Mr. Tingey said he and Ms. Brailsford have revised the policies and procedures manual. It has not been revised for seven years. They have reformatted it and updated a lot of the policies to current state and federal laws.

Councilmember Marabella asked if they have looked into having the manual available on line to save paper. It could be available as a read-only document. Mr. Tingey said he has talked to the IT person about doing an employee section on the City's website, and maybe the manual could be available on that. Mayor Christensen added that there would still need to be a paper copy because some of the employees do not have access to a computer.

Some of the changes include removing the preference of hiring Brigham City residents. Mr. Tingey explained that the attorneys felt this might be considered discriminatory.

In Chapter 6, a section on ethics was added. This is a state law and is nothing new, but this is the first time it has been included in the City's policy book.

A section was added on E-mail retention. This was an URMMA recommendation.

Mr. Tingey noted that they also added a section on dress and hygiene standard.

Chapter 7 is the largest change in the manual. Last year the legislature made a change on how a grievance takes place in the case of a discharge, demotion or suspension for two or more days. The old policy stated that there had to be a City appeal board, and specifically stated who had to be on the appeal board consisting of three employees and two elected officials. There was a City who dismissed an employee and they were the only employee. They could not hold an appeal, so they had to rehire the employee.

Chapter 9 includes the Family Medical Leave Act (FMLA) federal guidelines, and clarifies the federal law.

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The new classification process and market based program are included in Chapter 12. It also clarifies some rules that the Payroll Department is in charge of the official records for payroll.

Chapter 13 is the Drug Free Workplace chapter, and some of the wording has been changed. The intent stays the same.

Mr. Tingey continued that a major change in the manual is the sexual harassment and discrimination policy. It was combined into one chapter in the old manual, and it was difficult to differentiate what the policy was for sexual harassment, discrimination or work place violence. The new policy has three individual chapters to separate these.

Mr. Tingey said the revised manual replaces "Mayor's Office" with "City Administrator" in Chapter 7 regarding grievances. The Mayor had suggested that it remain "Mayor's Office" so it is not just one individual in the Mayor's Office and includes the Mayor.

Mr. Tingey stated that in the section on reimbursement for travel, the Mayor suggested a statement be included to clarify that when the City reimburses an employee, it would only be for the employee's expenses and if their family member travels with them, their expenses would not be reimbursed. Councilmember Adams explained that this came up because sometimes organizations have an auxiliary for spouses, and an employee's spouse might be an officer and put on programs and represent the City. Mayor Christensen suggested there be some kind of approval under those circumstances. Mr. Tingey suggested exceptions be approved by the Mayor on an individual basis because the Mayor approves the travel.

MOTION: Councilmember Marabella made a motion to approve the revised Employee Policies and Procedures Manual as amended. The motion was seconded by Councilmember Green and unanimously carried.

CLAIMS

Warrant Register

Councilmember Farr moved to approve Cash Disbursements for the week of September 10, 2004 in the amount of \$362,558.41; for September 7, \$144,880.49; for the week of September 13, \$835,803.97; for September 22, \$289,404.19; for September 28, \$221,991.62. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Bell. The motion was seconded and carried unanimously. The meeting adjourned at 8:50 p.m.

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